

Message Text

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PAGE 01 GENEVA 13486 01 OF 02 081152Z
ACTION IO-14

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UNCLAS SECTION 01 OF 02 GENEVA 13486

E.O. 11652: N/A
TAGS: SHUM
SUBJECT: 31ST SESSION - SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION OF MINORITIES.

REF: GENEVA 13370

1. SUB-COMMISSION EXPERTS CONTINUED CONSIDERATION OF THE RIGHTS OF DETAINED OR IMPRISONED PERSONS (ITEM 11) DURING AM MEETING SEPTEMBER 5 BY RESPONDING TO THE PRESENTATION OF MME. NICOLE QUESTIAUX (FRANCE). QUESTIAUX REPORTING ON THE PROGRESS OF HER STUDY OF THE HUMAN RIGHTS OF DETAINED PERSONS UNDER ANY STATE OF SIEGE OR EMERGENCY SAID THE QUESTION WHICH HAS COME UP IN THE S-C OVER THE YEARS GOES BEYOND DETAINEES. DURING A STATE OF EMERGENCY THE WHOLE SPECTRUM OF HUMAN RIGHTS IS INCLUDED. QUESTIAUX WENT ON TO OUTLINE VARIOUS WAYS OF DEFINING THE ISSUES NOTING THAT SOME INFORMATION WOULD BE REQUIRED ABOUT THE COUNTRY BEFORE THE STATE OF SIEGE. SHE SUGGESTED THAT S-C NOT HAVE HER EMBARK ON A LENGTHY STUDY AND ASKED THE EXPERTS TO DECIDE IF THEY WANTED THIS ITEM ON THE AGENDA ANNUALLY.

UNCLASSIFIED

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PAGE 02 GENEVA 13486 01 OF 02 081152Z

2. MME. QUESTIAUX STATED THAT INTERNATIONAL LAW SEEMED TO IMPLY THAT A STATE OF EMERGENCY COULD BE DEEMED LEGITIMATE IF IT WERE OFFICIALLY DECLARED, CONTROLLED OR TEMPORARY. SHE CONCLUDED BY SUGGESTING THAT THE S-C MIGHT WISH TO STUDY THE LEGAL CONSEQUENCES THAT ARISE FOR A DETAINED INDIVIDUAL DURING A STATE OF SIEGE.

3. AMBASSADOR CARTER (U.S.) OPENED THE DEBATE BY PROPOSING THAT THE S-C REQUEST QUESTIAUX TO CONTINUE HER STUDY AND TO PREPARE A WRITTEN REPORT. HIS PROPOSAL WAS SUPPORTED BY A NUMBER OF MEMBERS OF THE S-C, WHO IN ADDITION SUGGESTED THAT THE MATERIAL OF CAICEDO PERDOMO BE FURNISHED TO QUESTIAUX. CAICEDO PERDOMO (COLOMBIA) A FORMER MEMBER OF THE S-C COLLABORATED WITH QUESTIAUX ON THE STATE OF SIEGE STUDY UNTIL THEY FOUND IT TOO DIFFICULT TO CONTINUE BECAUSE OF LOGISTICAL PROBLEMS DUE TO DISTANCE BETWEEN FRANCE, COLOMBIA AND GENEVA.

4. NO DECISION WAS MADE REGARDING ANNUAL REVIEW ON THE FORMATION OF A WORKING GROUP TO WORK ON THIS ITEM ALTHOUGH KHALIFA (EGYPT) MADE SUCH A PROPOSAL. A RESOLUTION IS EXPECTED. BOTH SMIRNOV (USSR) AND BAHNEV (BULGARIA) NOTED THAT SUCH STEPS WOULD BE DIFFICULT BECAUSE ECOSOC HAD NOT FOLLOWED UP ON THE RECOMMENDATION CONTAINED IN RES 7 (XXVII) REGARDING FORMATION OF A WORKING GROUP.

5. SLAVERY AND SLAVE TRADE - (ITEM 12). THIS ITEM WHICH IS CONSIDERED BY THE S-C BIENNIALY WAS INTRODUCED BY WHITAKER (U.K.) AND CHOWDHURY (BANGLADESH) WHO HAD CHAIRED TWO WORKING GROUPS (1977 AND 1978) DEVOTED TO THE ISSUE OF SLAVERY AND SLAVE TRADE. DELIBERATIONS BEGAN DURING AM MEETING AND WERE CONCLUDED DURING THE AFTERNOON.

UNCLASSIFIED

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PAGE 03 GENEVA 13486 01 OF 02 081152Z

6. WHITAKER STATED THAT DURING THE THIRD SESSION OF THE WG IN 1977 THE EXPERTS HAD FOUND A CONTINUATION OF MODERN MANIFESTATIONS OF SLAVERY OR SLAVERY-LIKE PRACTICES. HE SAID THAT THE GROUP HAD ALSO CONCLUDED THAT APARTHEID SHOULD PROBABLY BE CONSIDERED A COLLECTIVE FORM OF SLAVERY. DEBT BONDAGE, HE COMMENTED, EXISTS IN SEVERAL COUNTRIES. WHITAKER FELT THAT A FUNCTION OF THE WG COULD BE TO HELP REMIND GOVERNMENTS THAT PREVENTION OF VIOLATIONS OF HUMAN RIGHTS MIGHT BE A CURE FOR THE SLAVERY PRACTICES.

7. CHOWDHURY SAID PROFESSIONAL PROSTITUTION AS A FORM OF SLAVERY WAS EXAMINED DURING THE WG'S FOURTH SESSION. PROBLEMS OF INDIGENOUS AND RURAL PEOPLE IN A NUMBER OF LATIN AMERICAN COUNTRIES WERE REPORTED TO THE EXPERTS BY REPRESENTATIVES OF ILO AND A THIRD AREA OF CONCERN, CHILD ADOPTION AND CHILD LABOR WERE DISCUSSED.

8. THE LATIN AMERICAN EXPERTS OF THE S-C ARE PARTICULARLY SENSITIVE ABOUT THE NUMBER OF ALLEGATIONS OF SLAVERY IN THE LA REGION. THIS YEAR THEY CHOSE MARTINEZ COBO (ECUADOR) TO REPLY TO CHARGES OF SLAVERY IN CENTRAL AND SOUTH AMERICA. MARTINEZ COBO PROCEEDED TO ATTACK THE

ANTI-SLAVERY SOCIETY (AN NGO) FOR ITS STUDIES ON SLAVERY IN GUATEMALA NOTING THAT REMNANTS OF COLONIAL PRACTICES HAD NOTHING TO DO WITH SLAVERY. HE SAID IT WOULD BE A HORRIBLE SURPRISE FOR LATINS TO LEARN THAT SLAVERY EXISTED IN LA. HE EXPRESSED ANNOYANCE THAT EACH YEAR LATIN AMERICA APPEARS IN THE UN DOCUMENTS ON SLAVERY. HE CONCLUDED BY RECOMMENDING THAT THE WORKING GROUP NOT BE EXTENDED.

9. AMBASSADOR CARTER (U.S.) INTERVENED TO CONGRATULATE THE WG GROUP ON ITS RECOMMENDATIONS CONTAINED IN DOCU-

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PAGE 01 GENEVA 13486 02 OF 02 081155Z
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UNCLAS SECTION 02 OF 02 GENEVA 13486

MENTS E/CN.4/SUB.2/389 AND E/CN.4/SUB.2/410 AND TO EXPRESS HIS HOPE THAT THE 31ST S-C SESSION WOULD ENDORSE AND APPROVE THEM. CARTER SAID THAT SLAVERY IS NOT GIVEN THE ATTENTION IT DESERVES. HE AGREED THAT SLAVERY IN THE CLASSIC FORM PROBABLY DID NOT EXIST BUT NEW SLAVERY-LIKE PRACTICES ARE SUCH AN IMPORTANT ISSUE, THEY SHOULD BE PLACED NEAR THE TOP OF THE LIST OF ISSUES DISCUSSED BY THE EXPERTS. HE URGED THAT THE WG'S MANDATE BE EXTENDED BECAUSE OF THE URGENCY OF THE SITUATION.

10. APARTHEID AS A FORM OF SLAVERY WAS RAISED BY SMIRNOV WHO EXPRESSED CONCERN THAT THE WG DID NOT GIVE THIS ASPECT OF SLAVERY SUFFICIENT ATTENTION. NETTEL (AUSTRIA) NOTED THE NUMEROUS ITEMS ON APARTHEID ON THE S-C AGENDA AND QUESTIONED ITS INCLUSION UNDER SLAVERY.

11. DEBATE ON ITEM ENDED WITH CHOWDHURY REQUESTING AN EXTENSION OF THE WORKING GROUP'S MANDATE SO THAT ALL OF

ISSUES RAISED DURING THE DEBATE AS WELL AS THE WG'S
RECOMMENDATIONS COULD BE ACTED UPON.

12. JUST BEFORE THE MEETING WAS ADJOURNED THE OBSERVER
FROM EQUATORIAL GUINEA INTERVENED FOR THE SECOND TIME
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PAGE 02 GENEVA 13486 02 OF 02 081155Z

DURING THE SESSION. ON THIS OCCASION HE ATTACKED THE S-C
FOR TAKING LIGHTLY THE CONCERNS OF GOVERNMENTS. THE HRC
AND THE S-C ARE SUPPOSED TO PROMOTE HUMAN RIGHTS, INSTEAD
HE CONTENDED THAT THEY ATTACK GOVERNMENTS. WARAZI
(MOROCCO) ON POINT OF ORDER EXPLAINED TO THE OBSERVER
THAT THE S-C WAS A BODY OF EXPERTS, NOT A GOVERNMENTAL
COMMISSION. WHATAKER ALSO ON POINT OF ORDER SAID THAT
EQUATORIAL GUINEA HAD NOT BEEN MENTIONED DURING THIS
SESSION. HE NOTED THAT THE EG OBSERVER OBVIOUSLY HAD PRO-
BLEMS TO SOLVE. HE SUGGESTED THAT THE CHAIRMAN ALLOW
THE OBSERVER TO COPE WITH HIS OWN PROBLEMS AND HAVE THE
SUB-COMMISSION DEAL WITH ITS AGENDA.
VANDEN HEUVEL

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